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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,886	02/22/2002	William E. Bardwell	59730	9943

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EXAMINER

LEE, SEUNG H

ART UNIT PAPER NUMBER

2876

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,886

Applicant(s)

BARDWELL, WILLIAM E.

Examiner

Seung H Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Specification

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 20 has been renumbered 18.

Misnumbered claim 21 has been renumbered 19.

Misnumbered claim 22 has been renumbered 20.

Misnumbered claim 23 has been renumbered 21.

Claim Objections

2. Claim 5 is objected to because of the following informalities:

Re claim 5, line 1: The phrase "the array of image pixels" lacks proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3, 5-11, 13-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abtahi et al. (US 5,509,083, cited by applicant)(hereinafter referred to as 'Abtahi') in view of Baratelli (US 6,325,285).

Abtahi teaches a method and an apparatus for confirming identify of user comprising a cradle (14) serving as a first and a second sensor for capturing (132) a biometric information such as a fingerprint (12) using imaging optics (24 and 26) issuing record by storing the captured fingerprint information on a magnetic stripe of a card (58) (e.g., a credit card or identification card in a rectangular shape) and providing fingerprint information for verification process wherein the captured images are stored as a pixel array in which each pixel array is composes of one and zeros, capturing fingerprint image (78) and decision making (92) by comparing captured fingerprint image with the fingerprint information read from the magnetic stripe (10), the cradle comprising a alignment marks (36) and side walls (38) serving as a finger slide with a finger guide and finger stop

However, Abtahi fails to particularly teach that the magnetic stripe of card is storing a personal identification number (PIN).

Baratelli teaches a smart card storing the fingerprint information and the PIN in which the user must provide both information in order to access information and/or receive service available to user(s) wherein the PIN can be chosen by the card manufacture or by user(s) when the card is initialized, wherein the PIN is provided by using keypad (410) of a Read/Write unit (WRU)(405) (see Figs. 5A-5C; col. 5, line 13- col. 6, line 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Baratelli to the teachings of Abtahi in order to provide an improved and an enhanced security means for authenticating/verifying user(s) with both biometric information and PIN information. Moreover, such modification would increase security means for preventing neither accessing information nor providing service using the card in case the user lost the card and the PIN since authenticating of biometric information (e.g., fingerprint) is necessary for accessing information and/or receiving service therewith.

Although, Abtahi as modified by Baratelli fairly suggest to request the PIN from the user(s), it would have been an obvious to one of ordinary skill in the art at the time the invention was made to duplicate the procedure/method of capturing and verifying the fingerprint information as taught by Abtahi for obtaining the PIN from the user(s) when the card is initialized and verifying the PIN with the stored PIN on the magnetic stripe by comparing the inputted PIN by user with the PIN stored on the magnetic stripe, and therefore an obvious expedient.

5. Claims 4, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abtahi as modified by Baratelli as applied to claims 1, 8, and 14 above, and further in view of Lasch et al. (US 6,581,839)(hereinafter referred to as 'Lasch').

The teachings of Abtahi/Baratelli have been discussed above.

Although, Abtahi/Baratelli teaches the card storing the fingerprint information and the PIN on the magnetic stripe, they fail to specifically teach that the card corresponds

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to the ISO 7810 and the fingerprint information and the PIN is stored on the third track of the magnetic stripe.

However, Lasch teaches that a magnetic stripe cards are developed to meet the international standards organization (ISO) 7810 and the magnetic stripe having three tracks in which the first and second tracks are storing read-only information and the third track is storing the personal identification number, restriction, etc. (see col. 2, line 59- col. 3, line 60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Larch to the teachings of Abtahi/Baratelli in order to use the card internationally by complying the ISO 7810 in which also reduces the cost of manufacturing the card, that is, companies/manufacture(s) does not need to supply a plurality of shapes of cards to user(s) for using the card internationally. Moreover, such modification would also have been an obvious to one of ordinary skill in the art at the time the invention was made to store information on the third track since the ISO 7811 defines to store information such as the personal identification number, country code, restriction, etc. on the third track of the magnetic stripe of the card, and therefore an obvious expedient.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

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Narusawa et al. [US 6,527,173] and O'Boyle [US 6,328,209] disclose a card security system,

Anada et al. [US 5,267,149] discloses a system for registering passwords.


Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.


If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 308-5841 or (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.lee@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Seung H. Lee
Art Unit 2876
September 25, 2003


DIANE I. LEE
PRIMARY EXAMINER